

November 15, 2022

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

BY: Julie Golden  
DEPUTY

HOMELAND INSURANCE COMPANY OF NEW YORK,  
Plaintiff / Counter Defendant

v.

Case No. 1:20-CV-783-RP

CLINICAL PATHOLOGY LABORATORIES, INC., et al.,  
Defendants / Counter Plaintiffs,

**AMENDED AGREED SCHEDULING ORDER**

Pursuant to Federal Rule of Civil Procedure 16, the following Amended Agreed Scheduling Order is issued by the Court:

1. All parties asserting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B), on or before **December 14, 2022.**
2. Parties resisting claims for relief and Plaintiff as respects its claim handling expert shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B), on or before **January 11, 2023.**
3. All parties shall file all designations of rebuttal experts and serve on all parties the material required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, **30 days** from the receipt of the report of the opposing expert.
4. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **11 days** from the

receipt of the written report of the expert's proposed testimony, or within **11 days** from the completion of the expert's deposition, if a deposition is taken, whichever is later.

5. In the case judgment is rendered in Defendants' favor, Defendants may, within **30 days** from the date of judgment, file an application for attorney's fees and related expenses, which may, but is not required to include, a declaration of an expert who may opine on the reasonableness of those fees and expenses. If Plaintiff wishes to respond to Defendants' application, it must do so within 14 days from date Defendants file their application. Plaintiff's response may but is not required to include a declaration of an expert who may opine on the reasonableness of Defendants' attorneys' fees and expenses. The parties have agreed to forego formal Rule 26 expert reports and depositions of any experts on the issue of Defendants' attorneys' fees and expenses.
6. The parties shall complete all discovery on or before **October 28, 2022**.
7. All dispositive motions shall be filed on or before **November 15, 2022** and shall be limited to 20 pages. Responses shall be filed and served on all other parties not later than 14 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 7 days after the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion.
8. The Court will set this case for final pretrial conference at a later time. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The

parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

9. This case is set for Jury trial commencing at 9:00 a.m. on **February 27, 2023**.

By filing an agreed motion, the parties may request that this Court extend any deadline set in this Order, with the exception of the dispositive motions deadline and the trial date. The Court may impose sanctions under Federal Rule of Civil Procedure 16(f) if the parties do not make timely submissions under this Order.

SIGNED on \_\_\_\_\_ November 15 \_\_\_\_\_, 2022.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written over a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE